

**SENATE JOURNAL
60TH LEGISLATURE
THIRTY-NINTH LEGISLATIVE DAY**

Helena, Montana
February 21, 2007

Senate Chambers
State Capitol

Senate convened at 12:30 p.m. President Cooney presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 45

Nays: Balyeat, Gebhardt, Jackson, O'Neil, Shockley.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

REPORTS OF STANDING COMMITTEES

AGRICULTURE, LIVESTOCK AND IRRIGATION (Hansen, Chairman): 2/21/2007
SB 479, do pass. Report adopted.

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Cocchiarella, Chairman): 2/21/2007
SB 352, introduced bill, be amended as follows:

1. Title, line 5.

Following: "RESTRICTIONS"

Insert: "WITH QUALIFICATIONS"

2. Page 1, line 19.

Following: "town"

Insert: "if that third-class city or town requires new firefighters over the age of 34 to pass a physical agility test as designated by the third-class city or town"

And, as amended, do pass. Report adopted.

SB 465, introduced bill, be amended as follows:

1. Page 4, line 4.

Strike: subsection (10) in its entirety

And, as amended, do pass. Report adopted.

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SB 475, do pass. Report adopted.

SB 524, introduced bill, be amended as follows:

1. Title, line 5.

Following: "BREWERIES"

Insert: "AND WINE BY WINERIES"

2. Page 2, line 25.

Following: "brewery"

Insert: ", "

Strike: "or"

3. Page 2, line 26.

Following: "winery,"

Insert: ", or wholesaler"

And, as amended, do pass. Report adopted.

FINANCE AND CLAIMS (Schmidt, Chairman):

2/21/2007

SB 113, do pass. Report adopted.

FISH AND GAME (Tropila, Chairman):

2/21/2007

SJR 18, be adopted. Report adopted.

HIGHWAYS AND TRANSPORTATION (Pease, Chairman):

2/21/2007

SB 463, introduced bill, be amended as follows:

1. Title, line 4.

Strike: "GOVERNING REQUIRED"

Insert: "RELATED TO"

2. Page 1, line 13.

Strike: "shall"

Insert: "may"

And, as amended, do pass. Report adopted.

SJR 22, be adopted. Report adopted.

JUDICIARY (Laslovich, Chairman):

2/21/2007

SB 192, introduced bill, be amended as follows:

1. Title, line 5 through line 6.

Strike: "AND" on line 5 through "LOCATION"

2. Page 1, line 11.

Following: "knowingly"

Insert: "or purposely"

3. Page 1, line 13.

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Strike: "5 years"
Insert: "1 year"
Strike: "\$50,000"
Insert: "\$10,000"

4. Page 1, line 15 through line 28.
Strike: section 2 in its entirety
Renumber: subsequent section

5. Page 1, line 30.
Strike: "Sections"
Insert: "Section"
Strike: "and 2"
Strike: "are"
Insert: "is"

6. Page 2, line 1.
Strike: "sections"
Insert: "section"
Strike: "and 2"
And, as amended, do pass. Report adopted.

SB 383, introduced bill, be amended as follows:

1. Title, lines 6 and 7.
Following: "TRUST;" on line 6
Insert: "AND"
Strike: "SECTION" on line 6
Insert: "SECTIONS 71-1-228,"
Following: "71-1-321,"
Insert: "AND 76-3-201,"

Following: "MCA" on line 6
Strike: remainder of line 6 through "DATE" on line 7

2. Page 2, line 4.
Following: "include"
Insert: "not only full monetary payment, but also"

3. Page 2, line 19.
Strike: "the legal title to"
Insert: "a security interest in"

4. Page 2, line 22.
Following: "conveying"
Insert: "a security interest in"

5. Page 4, line 12.
Strike: "to be"

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Strike: "only"

6. Page 4, line 13.

Strike: "that"

Insert: "only if that fictitious deed of trust"

7. Page 5, line 6.

Following: "recorded,"

Insert: "the recorder's document number, if any,"

8. Page 5, line 7.

Following: "trustee"

Strike: ", and the"

Insert: ". The"

9. Page 5, line 15.

Following: "interest"

Insert: "and record the reconveyance at the trustee's expense"

10. Page 5, line 30.

Following: line 29

Insert: "(a) the obligation secured by the deed of trust has been fully paid by the trustor or the trustor's successor in interest and evidence of the full payment has been provided to the title insurer or title insurance producer;"

Renumber: subsequent subsections

11. Page 6, line 13.

Following: "section"

Insert: "6 or"

12. Page 6, line 26.

Following: "INFORMATION:"

Insert: "Recorded on _____, 20__"

13. Page 6, line 30.

Following: line 29

Insert: "affecting real property located in _____ County, Montana."

14. Page 7, line 2.

Following: "warranty,"

Insert: "and record the reconveyance"

15. Page 7, line 9.

Following: "trust"

Insert: "and record the reconveyance"

16. Page 7, line 25.

Strike: "trustors"

Insert: "trustor"

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17. Page 8, line 9.

Following: the first "("

Insert: "Acknowledgment -"

18. Page 10, line 4.

Strike: "foreclosure"

Insert: "trustee's sale"

19. Page 12, line 15.

Following: "obtained a"

Strike: "foreclosure"

Insert: "trustee's sale"

Following: "The"

Strike: "foreclosure"

Insert: "trustee's sale"

20. Page 12, line 17.

Strike: "foreclosure"

Insert: "trustee's sale"

21. Page 12, line 19.

Following: "in the"

Strike: "foreclosure"

Insert: "trustee's sale"

22. Page 12, line 23.

Following: "trustor"

Insert: "by ordinary first-class mail, and a second copy must be mailed to the trustor by certified mail, both with postage prepaid"

23. Page 12, lines 29 and 30.

Following: "provided in" on line 29

Strike: remainder of line 29 through "(7)" on line 30

Insert: "[section 20]"

24. Page 13, line 5.

Strike: "instrument"

Insert: "document"

Following: "number,"

Insert: "if any,"

25. Page 13, line 16.

Following: "right to"

Insert: "cure the default and"

26. Page 13, line 24.

Strike: "and"

Insert: "or"

27. Page 13, line 30.

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Strike: "You"

Insert: "Prior to the expiration of the cure period, you"

28. Page 14, line 1.

Following: "made"

Insert: ", together with foreclosure-related expenses"

29. Page 14, line 23.

Strike: "boldface"

30. Page 14, line 24.

Strike: "boldface"

31. Page 14, line 26.

Following: "purchaser"

Insert: "who takes"

Following: the first "faith"

Insert: "for value and without notice"

Following: "encumbrancer"

Insert: "who takes"

32. Page 14, line 29.

Strike: "date"

Insert: "data"

33. Page 15, line 1.

Following: "foreclosed"

Insert: "as well as at any subsequent address of the trustor actually known to the trustee"

34. Page 15, line 18.

Following: "county"

Insert: "or for which a notice of contract for deed has been recorded in the county"

35. Page 15, line 20.

Following: "recorded"

Insert: "or for which a notice of the option or right has been recorded in the county"

36. Page 15, line 23.

Following: "located"

Insert: ";

(h) other lienholders or encumbrancers of record"

37. Page 15, line 26.

Following: "persons"

Insert: "identified in subsections (6)(b) through (6)(h) who is"

38. Page 16, line 5.

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Following: "action."

Insert: "All notices are effective upon deposit in the U.S. mail with postage prepaid. [Section 20] and this section require that notices of default and notices of sale be sent by both first-class mail and certified mail."

39. Page 16, line 10.

Strike: "foreclosure"

Insert: "trustee's sale"

40. Page 16, line 28.

Strike: "foreclosure"

Insert: "trustee's sale"

41. Page 18, line 1.

Following: "such as"

Insert: "loan installment payments,"

Following: "taxes"

Insert: ", "

42. Page 18, line 24.

Strike: "of"

Insert: "in"

43. Page 18, line 25.

Following: "filed"

Insert: "by the trustor or the trustor's successor in interest"

44. Page 18, lines 27 and 28.

Following: "(2)" on line 27

Strike: remainder of line 27 through "date" on line 28

45. Page 19, line 3.

Following: "sale"

Insert: "that is made"

Strike: "an"

Insert: "a prohibiting"

46. Page 20, line 22.

Following: "bid, the"

Insert: "foreclosing"

47. Page 20, line 24.

Following: "between the"

Insert: "foreclosing"

48. Page 20, line 25.

Following: "of the"

Insert: "foreclosing"

49. Page 21, line 19.

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Following: "by"

Insert: "reason of"

50. Page 21, line 27.

Strike: "and"

Insert: "under"

51. Page 22, line 3.

Strike: "20-day"

52. Page 23, line 8.

Strike: "or"

Insert: "and"

53. Page 23, line 29.

Following: "shall"

Insert: "within 10 days after the sale"

54. Page 23, line 30.

Strike: "19(3)"

Insert: "19(6)"

55. Page 24, line 7.

Following: "mortgage,"

Insert: "trust indenture,"

56. Page 24, line 13.

Following: "amount of"

Insert: "court filing fees and"

57. Page 24, line 14.

Following: "court;"

Insert: "and"

58. Page 24, lines 15 and 16.

Following: "court" on line 15

Insert: "a petition for determination under subsection (3), together with the originals of"

Following: "documents" on line 15

Strike: remainder of line 15 through "interest" on line 16

59. Page 24, line 19.

Following: "hearing."

Insert: "Upon receipt of the court's determination, the clerk of court shall discharge the funds in accordance with the court's determination."

60. Page 24, line 22.

Insert: "**Section 27.** Section 71-1-228, MCA, is amended to read:

"71-1-228. Rights of redemption applicable. All of the rights, powers, and privileges concerning the

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redemption from sales of real estate applicable to the sales of real estate under foreclosure proceedings or sales under execution ~~shall~~ must be granted and allowed to sales of real estate under and by virtue of the power of sale contained in any mortgage or deed of trust in this state, except to sales of real estate under and by virtue of the power of sale conferred upon a trustee under a trust indenture as defined in the Small Tract Financing Act of Montana or a deed of trust governed by [sections 1 through 26]."

61. Page 25, line 3.

Insert: "Section 76-3-201, MCA, is amended to read:

"76-3-201. Exemption for certain divisions of land -- fees for examination of division. (1) Unless the method of disposition is adopted for the purpose of evading this chapter, the requirements of this chapter may not apply to any division of land that:

(a) is created by order of any court of record in this state or by operation of law or that, in the absence of agreement between the parties to the sale, could be created by an order of any court in this state pursuant to the law of eminent domain, Title 70, chapter 30;

(b) subject to subsection (3), is created to provide security for mortgages, liens, deeds of trust, or trust indentures for the purpose of construction, improvements to the land being divided, or refinancing purposes;

(c) creates an interest in oil, gas, minerals, or water that is severed from the surface ownership of real property;

(d) creates cemetery lots;

(e) is created by the reservation of a life estate;

(f) is created by lease or rental for farming and agricultural purposes;

(g) is in a location over which the state does not have jurisdiction; or

(h) is created for rights-of-way or utility sites. A subsequent change in the use of the land to a residential, commercial, or industrial use is subject to the requirements of this chapter.

(2) Before a court of record orders a division of land under subsection (1)(a), the court shall notify the governing body of the pending division and allow the governing body to present written comment on the division.

(3) An exemption under subsection (1)(b) applies:

(a) to a division of land of any size;

(b) if the land that is divided is not conveyed to any entity other than the financial or lending institution to which the mortgage, lien, deed of trust, or trust indenture was given or to a purchaser upon foreclosure of the mortgage, lien, deed of trust, or trust indenture. A transfer of the divided land, by the owner of the property at the time that the land was divided, to any party other than those identified in this subsection (3)(b) subjects the division of land to the requirements of this chapter.

(c) to a parcel that is created to provide security as provided in subsection (1)(b). The remainder of the tract of land is subject to the provisions of this chapter if applicable.

(4) The governing body may examine a division of land to determine whether or not the requirements of this chapter apply to the division and may establish reasonable fees, not to exceed \$200, for the examination."

Renumber: subsequent sections

62. Page 25, line 8.

Strike: section 29 in its entirety

And, as amended, do pass. Report adopted.

SB 411, do pass. Report adopted.

SB 424, do pass. Report adopted.

SB 536, introduced bill, be amended as follows:

1. Title, line 6.

Following: "LINES"

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Insert: "AND APPURTENANT FACILITIES"

2. Page 3, line 12.

Following: "lines"

Insert: "and appurtenant facilities"

And, as amended, do pass. Report adopted.

LOCAL GOVERNMENT (Gillan, Chairman):
SB 349, introduced bill, be amended as follows:

2/21/2007

1. Title, line 5.

Strike: "CITY-COUNTY"

Insert: "CITY"

Strike: "THE NINTH"

Insert: "A"

2. Title, lines 6 and 7.

Strike: "IF" on line 6 through "DISTRICT" on line 7

Insert: "UNDER CERTAIN CIRCUMSTANCES"

Strike: "76-1-201"

Insert: "76-1-221"

3. Page 1, line 19 through line 21.

Strike: "WHEREAS" on line 19 through "; and" on line 21

4. Page 1, line 23.

Strike: "city-county"

Insert: "city"

5. Page 1, line 30 through page 2, line 21.

Strike: section 1 in its entirety

Insert: "**Section 1.** Section 76-1-221, MCA, is amended to read:

"76-1-221. Membership of city planning board. (1) A city planning board ~~shall consist~~ consists of ~~not less~~ no fewer than seven members to be appointed as follows:

(a) one member to be appointed by the city council from its membership;

(b) one member to be appointed by the city council, who may in the discretion of the city council be an employee or hold public office in the city or county in which the city is located;

(c) one member to be appointed by the mayor upon the designation by the county commissioners of the county in which the city is located;

(d) four citizen members to be appointed by the mayor, two of whom ~~shall~~ must be resident ~~freeholders~~ real property owners within the urban area, if any, outside of the city limits over which the planning board has jurisdiction under this chapter and two of whom ~~shall~~ must be resident ~~freeholders~~ real property owners within the city limits; and

(e) if the boundaries for which the city planning board is established include any portion of a conservation district, one member to be appointed by the conservation district board of supervisors who must be:

(i) a conservation district supervisor or associate supervisor; and

(ii) a resident of the city or urban area, if any, outside the city limits over which the planning board has jurisdiction.

(2) The clerk of the city council shall certify members appointed by its body. The certificates shall be sent

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to and become a part of the records of the planning board. The mayor shall make similar certification for the appointment of citizen members.""

6. Page 2, line 25.

Strike: "city-county"

Insert: "city"

7. Page 2, line 27.

Strike: "City-county"

Insert: "City"

And, as amended, do pass. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Weinberg, Chairman):

2/21/2007

SJR 7, be adopted. Report adopted.

TAXATION (Elliott, Chairman):

2/21/2007

SB 439, introduced bill, be amended as follows:

1. Title, line 6.

Strike: "NONRESIDENT"

2. Page 2, line 2.

Strike: subsection (a) in its entirety

Renumber: subsequent subsections

3. Page 2.

Following: line 8

Insert: "(2) (a) The provisions of [sections 1 through 12] do not apply to a remittor that produces less than 50,000 barrels of oil and less than 300,000 thousand cubic feet of gas annually. The department shall determine a remittor's annual production of oil and gas based upon a 3-year rolling average of the remittor's annual production as reported by the remittor to the Montana board of oil and gas conservation.

(b) Each producer that is exempted from withholding under subsection (2)(a) shall make an annual return to report royalty payments that exceed the dollar amounts in subsection (3). The return must be made under rules adopted by the department and be as nearly identical as possible to federal rules for internal revenue service form 1099 under section 6041, et seq., of the Internal Revenue Code, 26 U.S.C. 6041, et seq."

Renumber: subsequent subsection

4. Page 2.

Following: line 13

Insert: "(4) The department may, by rule, establish minimum royalty amounts subject to withholding under the provisions of [sections 1 through 12], other than for oil and gas production, if the department determines that the withholding against the minimal amount of royalties is inefficient."

5. Page 4, line 1 through line 3.

Strike: subsection (8) in its entirety

And, as amended, do pass. Report adopted.

SB 507, do pass. Report adopted.

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MESSAGES FROM THE OTHER HOUSE

House bill passed and transmitted to the Senate for concurrence: 2/20/2007
HB 77, introduced by Clark

House bill passed and transmitted to the Senate for concurrence: 2/20/2007
HB 157, introduced by Caferro

House bill passed and transmitted to the Senate for concurrence: 2/20/2007
HB 397, introduced by Ward

House bill passed and transmitted to the Senate for concurrence: 2/20/2007
HB 450, introduced by Pomnichowski

House bill passed and transmitted to the Senate for concurrence: 2/20/2007
HB 459, introduced by Heinert

House bill passed and transmitted to the Senate for concurrence: 2/20/2007
HB 487, introduced by Hiner

House bill passed and transmitted to the Senate for concurrence: 2/20/2007
HB 497, introduced by Pomnichowski

House bill passed and transmitted to the Senate for concurrence: 2/20/2007
HB 5791, introduced by Olson

House bill passed and transmitted to the Senate for concurrence: 2/20/2007
HB 585, introduced by Keane

House bill passed and transmitted to the Senate for concurrence: 2/20/2007
HB 594, introduced by Stahl

House bill passed and transmitted to the Senate for concurrence: 2/20/2007
HB 616, introduced by McChesney

FIRST READING AND COMMITMENT OF BILLS

The following Senate bill was introduced, read first time, and referred to committee:

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SB 548, introduced by Perry, McGee, Stapleton, Barkus, referred to Judiciary.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 22 passed as follows:

Yeas: Brueggeman, Cobb, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, Tash, J. Tropila, M. Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 31

Nays: Bales, Balyeat, Barkus, Black, Brown, Curtiss, Esp, Essmann, Gebhardt, Jackson, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story.

Total 19

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 387 passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J. Tropila, M. Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 48

Nays: Esp, McGee.

Total 2

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 142 passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J. Tropila, M. Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 50

Nays: None.

Total 0

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Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 264 passed as follows:

Yeas: Cobb, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lewis, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 28

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 19 adopted as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Harrington, Hawks, Jackson, Jent, Juneau, Kitzenberg, Laible, Larson, Laslovich, Lewis, McGee, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Weinberg, Mr. President.
Total 42

Nays: Hansen, Kaufmann, Lind, Moss, Smith, Squires, Wanzenried, Williams.
Total 8

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 347 passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Squires, Stapleton, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 46

Nays: Esp, Smith, Steinbeisser, Story.
Total 4

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Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 321 passed as follows:

Yeas: Balyeat, Black, Brueggeman, Cobb, Cocchiarella, Elliott, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Tash, J.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 39

Nays: Bales, Barkus, Brown, Curtiss, Esp, Gebhardt, McGee, O'Neil, Perry, Story, M.Tropila.
Total 11

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 453 passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Elliott, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 42

Nays: Brown, Curtiss, Esp, Laible, McGee, Shockley, Squires, Stapleton.
Total 8

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 440 passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 50

Nays: None.
Total 0

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Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 31 passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 103 passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Kitzenberg, Laible, Larson, Laslovich, Lewis, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Williams, Mr. President.
Total 45

Nays: Gallus, Juneau, Kaufmann, Lind, Weinberg.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 442 passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 50

Nays: None.
Total 0

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Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 397 passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SJR 19 adopted as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 47

Nays: Esp, McGee, O'Neil.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 317 adopted as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 47

Nays: Esp, Gebhardt, Smith.
Total 3

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Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 443 adopted as follows:

Yeas: Bales, Balyeat, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Steinbeisser, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 46

Nays: Barkus, McGee, Stapleton, Story.
Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 418 adopted as follows:

Yeas: Bales, Barkus, Black, Brueggeman, Cocchiarella, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 44

Nays: Balyeat, Brown, Cobb, Curtiss, McGee, Shockley.
Total 6

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 254 adopted as follows:

Yeas: Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lewis, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 27

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.
Total 23

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Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 218 adopted as follows:

Yeas: Bales, Balyeat, Black, Brueggeman, Cobb, Cocchiarella, Elliott, Esp, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Pease, Perry, Ryan, Schmidt, Shockley, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 38

Nays: Barkus, Brown, Curtiss, Essmann, Jackson, Murphy, O'Neil, Peterson, Stapleton, Steinbeisser, Story, Tash.
Total 12

Absent or not voting: None.
Total 0

Excused: None.
Total 0

MOTIONS

SEN. DON RYAN, SD 10, GREAT FALLS moved to change his vote from "no" to "yes" on **SB 440**. Motion carried.

SEN. JERRY BLACK, SD 14, SHELBY moved to change his vote from "yes" to "no" on **SB 264**. Motion carried.

SEN. CAROL WILLIAMS, SD 46, MISSOULA moved the Senate recess and proceed to the House to hear U.S. Senator Max Baucus' address. Motion carried.

Good afternoon. Mr. Speaker. Mr. President. Members of the House and Senate. Visitors joining us in the gallery. Distinguished guests: Lt. Governor Bohlinger, State Auditor John Morrison, Superintendent Linda McCullough, Secretary of State Brad Johnson, Attorney General Mike McGrath, Members of the Supreme Court

Working together

Thanks for inviting me to speak today. I appreciate you taking time out of your busy calendar. I know you have a lot of work getting ready for transmittal. As author Sam Ewing once said, "Hard work spotlights the character of people: some turn up their sleeves, some turn up their noses, and some don't turn up at all."

Montana's history has been the story of courageous, gutsy men and women who forged ahead. Men and women with calloused hands, sturdy backs, and fortitude passed down from generation to generation. Whether it's the miners who built the biggest copper mine in the country. Janette Rankin --the first woman to get elected to the US Congress. Railroaders who built lines across our state. Farmers and ranchers. Or even [Evel] Knievel, who wanted to make the longest jump in the world.

Our values were chiseled out of the bedrock of Montana. We learned them from our parents, who learned them from their parents. Values of hard work, honesty, common sense, faith, and community. We don't shy away from

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challenges or hard work. We come from good, Montana stock. And we're proud of it.

Every time I come back to the legislature, I remember hard work. Good, solid hard work. Working breakfasts. Packed committee hearings.

I represented Missoula. I sat next to Doc Norman. I remember the heated debates. Nobody pulled punches. I remember the long nights. The early meetings. The weekends. I remember the debates. I remember trying to fit it all into 90 days. I'm glad to see that Representative Jopek is still making good use of my desk! Thanks, Mike. Let's give Mike a big hand!

I was here in 1973. I don't think Kendall Van Dyk was even born yet! Kendall's doing a great job.

That was also back when my friend Hal Harper was serving in the House --- as a Republican! I remember the people I worked with. People I admired. Giants like Francis Bardanouve and Verner Berterlson. We had our challenges back then just as you do today.

But it was in this Chamber that I learned the value of working together. It was here -- during the 43rd Legislative Assembly -- where I learned that partisanship doesn't serve the noble purpose of legislating.

I learned that digging in your heels and fighting with each other doesn't help make Montanans' lives any better. Remember, nothing of consequence ever happens unless people work together. A partisan victory never lasts...a compromise is more durable.

When I was here, Democrats held a slight majority in both chambers. But we had to work together. Now, 30 years later, I'm still working together to get things done.

When I think about what it means to work together, I look no further than Mike Mansfield. Our Mike. My friend and mentor. He was the man who served with presidents and foreign dignitaries. He led the country as the longest serving Senate Majority Leader -- during some tumultuous times, I might add.

But Mike never forgot his roots or the people he represented. He said to me once, "Max we represent all of Montana -- Democrats and Republicans. We represent everybody." He made a point of telling me that. And it stuck with me.

I'm reminded of that conversation by an old northwest Montana newspaper story.

They characterized Mike during his first year in the Senate this way:

"His philosophy (the newspaper wrote) is that he is a Democrat, yes, but first he is a U.S. Senator. He is sometimes liberal, sometimes conservative. But uppermost in his mind is this thought: What is best for the people? Mike Mansfield is an individualist. (the newspaper wrote) But he will work with anyone and everyone when he feels the net result will produce something beneficial to the nation and Montana." End quote.

Let's work hard, like Montanans do. But let's also look to Mike's example and work together.

IRAQ

Before I continue I want to take a moment to recognize the contribution Montana has made to the war in Iraq and Afghanistan. We may not all agree on the best course of action in Iraq. But we all agree on one thing: it's time for the government of Iraq to stand on its own. And it's time for our Montana men and women to come home as soon as possible.

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Seventeen Montanans have died over there. They were sons. And fathers. And brothers. And husbands. They served their country admirably.

Please stand up. Stand with me and recognize the Montanans who have paid the ultimate sacrifice.

Travis Arndt, age 23, Bozeman
Phillip Baucus, age 28, Wolf Creek
Andrew Bedard, age 19, Missoula
Nicholas William Bloem, age 20, Belgrade
Scott Dykman, age 27, Helena
Aaron Holleyman, age 26, Glasgow
Joshua Hyland, age 31, Missoula
Charles Komppa, age 35, Belgrade
Michael MacKinnon, age 30, Helena
Robbie McNary, age 42, Lewistown
Dean Pratt, age 22, Stevensville
Edward Saltz, age 27, Bigfork
Jeremy Sandvick Monroe, age 20, Chinook
Raleigh Smith, age 21, Troy
Kristofor Stonesifer, age 28, Missoula
Owen Witt, age 20, Sand Springs
Matthew Zeimer, age 18, Glendive

Thank you. We honor all of these brave Montanans.

CHIP

The war in Iraq clearly is one of the most pressing issues facing our country. But the main thing that I want to talk to you about today is on the domestic front. It's health care.

Everywhere I go – from the café in Miles City to the lumber mill in Western Montana -- I hear the same thing. It's health care. It's the high cost of health care. I could be talking about the Farm Bill on the Hi-Line and health care comes up.

And it's not just in Montana. I hear it all over the country.

I hear stories from people who are barely squeaking by – month to month – because so much of their income goes to health care. And it's not just the single mother working two jobs. It's small business owners. And teachers. Farmers. And the elderly. It's everybody. We clearly have to do something.

We won't fix our nation's health care system overnight. It's just too big of a bite to take at once. But we *can* begin to chip away at the problem piece by piece.

Ultimately, this nation is going to have to have universal health care.

That is health care for everyone. We're the only industrialized nation without universal health care. South Africa has it. We don't. It's not right.

As we begin to tackle this problem there's no better place to start than with our kids.

As parents, we can usually make our kids feel better with some ice cream, a few good movies, and a big hug. Yet, sometimes Disney and Ben & Jerry's aren't enough to help when they're sick. As a parent, I know the heartache and worry that goes along with seeing your child sick and hurting.

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I applaud Governor Schweitzer for his strong leadership and vision on health care.

I applaud the legislature -- you all -- and the people of Montana for making tough choices and sacrifices.

We thank Auditor Morrison and my friend Senator Jon Tester for the Insure Montana program. It has helped put more affordable health insurance within reach for hundreds of Montana families, small business owners and their workers. And it's only just getting started.

I also applaud Senator John Cobb and Representative Edith Clark for their vision on health care. That's the kind of working together we need.

But the most important thing that we can do -- right away -- is help our kids. That's why we must renew and expand the Children's Health Insurance Program, so that more kids can get coverage.

Why is CHIP so important? Think for a minute about people who can barely afford to heat their homes or feed their kids -- let alone pay for health care. That's what CHIP does for them. It makes sure their kids -- at least their kids -- get coverage.

I'm reminded about a young woman in Helena. Single mom. Her son was diagnosed with epilepsy -- shortly after he lost his private insurance coverage. Other plans wouldn't cover the expensive drugs he needed.

She learned about CHIP. Got him enrolled. Now he's getting the medical care and drugs he needs. I don't know what they would have done without CHIP. I honestly don't know what they would have done.

Folks, it's a real program serving real people who need real help. But despite our best efforts, 37,000 Montana kids don't have any health insurance at all. That means 37,000 Montana families are teetering on the edge. One bike accident. A fall down the stairs. An injury on the basketball court could drive them into bankruptcy. Or worse. That's just wrong.

Those are decisions no Montanan should have to face. What's more, these numbers are rising. Over the last 5 years, the number of uninsured Montana kids has spiked 10 percent. And most of that jump came from young kids -- 5 years old or younger.

Remember that the first 5 years of a child's life establish a blueprint for that child's future. Missing the yearly doctor's appointment or going without shots can dramatically affect the building blocks to a child's development.

CHIP also makes sense as an investment. Studies show that kids who are healthy growing up do better in life. It's really pretty simple:

1. A child who's healthy can go to school.
2. A child who's healthy in school is more likely to do well.
3. A child who does well in school is more likely to get a job.
4. And people with jobs are less likely to end up in jail or on public assistance.

Those shots, that physical, treating that little boy's epilepsy will pay dividends to society. CHIP is a good health care program, yes, but it's also a solid investment.

A Little History

Here's a little history for you. I was very proud to help write the CHIP program in 1997. I remember working long hours with both Republicans and Democrats. I remember thinking to myself that this is really neat. It's something very special. Important. I can say passing CHIP was one of my proudest accomplishments in Congress -- ever. Since then, CHIP has become the most successful children's health program in history. It now provides

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coverage to more than 6 million American kids.

After the president signed the CHIP bill into law in August 1997, it was time for the states to decide whether or not to join the program.

That's when I came here to Helena personally to lobby for it. I made the pitch. And you did the right thing and passed it. That was 10 years ago. Since then, nearly 40,000 Montana kids have been helped by CHIP.

1. 40,000 kids with names like Beth, Johnny, Paul, Cindy, and Ben.
2. 40,000 kids who got shots and prescriptions and surgeries.
3. 40,000 kids – some of whom might be the next State Senator from Eureka or Representative from Laurel.

It's been a huge success in Montana. Now the CHIP program needs to be renewed before it expires on September 30th of this year.

And, as you may know, I recently became Chairman of the Senate Finance Committee, which is a really big deal for Montana. We have jurisdiction over most health care programs, all taxes and revenue, Social Security, and international trade.

We also have jurisdiction over CHIP.

As Chairman, I get to set the agenda. And I've made renewing and expanding CHIP my top health care priority for this year. It's Number 1. We will pass a CHIP bill THIS year. You can take it to the bank.

Let's Make A Deal

And that's why I'm back here today. Because I want to make a deal with you. And here it is: I'll expand CHIP in Washington, if you expand CHIP in Helena. That's the deal. I'll do my part in Washington. You do your part here in Helena.

As for my part, I'll use my chairmanship to get Montana more federal dollars to run the program and cover more kids. I'm asking you to do your part and expand eligibility. I know Montana has been working to expand Medicaid and increase the number of children eligible for CHIP. Thank all of you who've been involved in that effort. It's very important. Unfortunately, we still rank second-to-last in the nation in CHIP eligibility. We're at 150 percent of the poverty level.

We are second in the nation only to North Dakota. That's not like us. We're Montanans.

Finishing 49th in a 50-state marathon is not your way, not my way, not the Montana way. It's contrary to our can-do Montana spirit and the values our parents taught us. Did you know that more than half the states now provide CHIP to children up to 200 percent of the poverty level? Did you know that nearly a third of states cover children at even higher eligibility rates?

Consider this. At 200 percent of the poverty level, a family of three is making about \$34,000 a year. But family health insurance can cost \$12,000 a year or more. That's nearly a third of a family's income -- before taxes.

It's foolhardy to expect them to afford *that* much for health care.

Here in the Senate, Senator Weinberg's bill raises Montana's eligibility level. And I know Representative Caferro has been working on CHIP in the House. I commend both of them for their hard work.

I'm also proud to be one of the first people to congratulate the Senate for expanding CHIP. Just moments ago they passed Senator Weinberg's bill on 3rd reading.

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Now the House will have the chance to take up CHIP. I urge you to do that. Do it as soon as you can.

So that's my deal. I'll provide dollars in Washington, if you expand CHIP here at home.

Look it. I served here, so I know you don't like to be told what to do. That's not what I'm doing. I'm asking you. I'm asking you to make a deal with me.

Call it a 'fair deal.' Call it a 'square deal.' Call it whatever you like. But let's expand CHIP so Montana parents don't have to lay awake at night worrying about their kids.

Let's rise above partisanship. Let's heed the example of Mike Mansfield and do what's right.

I think Governor Schweitzer said it best. He said, quote: "We're not blue, we're not red, we're not purple. We're Montanans."

And remember what the Gospel of Luke tells us: "To whom much has been given, much is expected."

We've been given an awful lot. Now it's time lead. That's what our employers want. We're just the employees. We're just the hired hands. It's not about who gets the credit or the blame. It's not about the headlines. It's about representing our 900,000 bosses. It's time to reach across the partisan divide, work together, honor our Montana heritage, and carry the mantle of a bright future for our kids.

Do that, and Montana will thank you.

The Senate reconvened at 1:42 p.m.

Roll Call. All members present. Quorum present.

Yeas: Bales, Barkus, Brown, Brueggeman, Cobb, Curtiss, Elliott, Esp, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 42

Nays: Balyeat, Gebhardt, Jackson, McGee, Shockley.

Total 5

Absent or not voting: None.

Total 0

Excused: Black, Cocchiarella, O'Neil.

Total 3

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Senator Williams moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Story in the chair.

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Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 155 - Senator Williams moved **SB 155** do pass. Motion carried as follows:

Yeas: Bales, Black, Brown, Brueggeman, Cobb, Cocchiarella, Elliott, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Steinbeisser, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 40

Nays: Balyeat, Barkus, Curtiss, Esp, Jackson, McGee, O'Neil, Shockley, Stapleton, Story.

Total 10

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 64 - Senator Cobb moved **SB 64** do pass. Motion carried as follows:

Yeas: Black, Brueggeman, Cobb, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Pease, Ryan, Smith, Squires, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 29

Nays: Bales, Balyeat, Barkus, Brown, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Schmidt, Shockley, Stapleton, Steinbeisser, Story.

Total 21

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 114 - Senator Larson moved **SB 114** do pass. Motion carried unanimously.

SB 127 - Senator Wanzenried moved **SB 127**, second reading copy, be amended as follows:

1. Page 2, line 1.

Following: "brewery"

Insert: ", wholesaler,"

Amendment adopted unanimously.

SB 127 - Senator Wanzenried moved **SB 127**, as amended, do pass. Motion carried with Senator McGee voting nay.

SB 68 - Senator Wanzenried moved **SB 68** do pass. Motion carried with Senator Weinberg, Elliott, M. Tropila

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voting nay.

SB 55 - Senator Ryan moved **SB 55** do pass. Motion carried as follows:

Yeas: Cobb, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 27

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.

Total 23

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 79 - Senator Laible moved **SB 79** do pass. Motion carried with Senator McGee voting nay.

SB 112 - Senator Lewis moved **SB 112** do pass. Motion carried unanimously.

SB 243 - Senator Balyeat moved **SB 243** do pass. Motion carried unanimously.

SB 246 - Senator Gallus moved **SB 246** do pass. Motion carried unanimously.

SB 63 - Senator Cobb moved **SB 63** do pass. Motion carried with Senator Balyeat voting nay.

Senator Williams moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Cooney in the chair. Chairman Story moved the Committee of the Whole report be adopted. Report adopted unanimously.

President Cooney in the chair.

SPECIAL ORDERS OF THE DAY

SEN. CAROLYN SQUIRES, SD 48, MISSOULA moved **SR 3**. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 49

Nays: McGee.

Total 1

Absent or not voting: None.

Total 0

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Excused: None.
Total 0

SEN. CAROLYN SQUIRES, SD 48, MISSOULA moved **SR 5**. Motion carried as follows:

Yeas: Cobb, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 28

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Jackson, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Williams moved that the Senate adjourn until 12:30 p.m., Friday, February 23, 2007. Motion carried.

Senate adjourned at 3:20 p.m.

JOHN MUDD
Secretary of the Senate

MIKE COONEY
President of the Senate